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FROM: Christine A. Gritzmacher
Gen-Probe Incorporated
10210 Genetic Center Drive
San Diego, California 92121

TO: Commissioner for Patents
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U.S. Patent & Trademark Office
Facsimile No.: 571-273-8300

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Number of pages (including this cover page): 12

In re patent application of:

Group Art Unit: 1645

NORMAN et al.

Examiner: BASKAR, P.

Appln. No. 10/712,654

Confirmation No. 8961

Filed: November 12, 2003

Docket No.: GP141-03.UT

Title: ASSAY AND COMPOSITIONS FOR
DETECTION OF BACILLUS
ANTHRACIS NUCLEIC ACID

Date: August 12, 2005

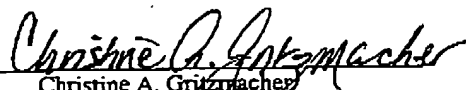
IDS via Facsimile includes the following documents:

1. Transmittal form PTO/SB/22 - 1 pg.;
2. Information Disclosure Statement under 37CFR 1.97(b) - 2 pg.;
3. Form/SB/08A (2 pg. in duplicate) - 4 pg.;and
4. Copy of a cited reference - 4 pg.

I hereby certify that this correspondence, along with the attached documents, is being facsimile transmitted to the US Patent and Trademark Office (FAX No. 571-273-8300) on the date indicated below.

Date: August 12, 2005

By:


Christine A. Gritzmacher
Registration No. 40,627

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0851-0031

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| | | | |
|---|----------------------|------------------------|-------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/712,654 | |
| | Filing Date | November 12, 2003 | |
| | First Named Inventor | Sylvia A. Norman | |
| | Art Unit | 1645 | |
| | Examiner Name | BASKAR, Padmavathi | |
| Total Number of Pages in This Submission | 11 | Attorney Docket Number | GP141-03.UT |

| ENCLOSURES (Check all that apply) | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fees Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of one cited reference |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|---|
| Firm or Individual name | Christine A. Gritzmacher, Registration No. 40,627 |
| Signature | <i>Christine A. Gritzmacher</i> |
| Date | August 12, 2005 |

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| Typed or printed name | Christine A. Gritzmacher, Reg. No. 40,627 | | |
| Signature | <i>Christine A. Gritzmacher</i> | Date | August 12, 2005 |

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| | | | |
|-------------|---------------------------|---|------------------------------|
| Applicants: | Norman et al. |) | Examiner: Baskar, Padmavathi |
| | |) | |
| Serial No. | 10/712,654 |) | Group Art Unit: 1645 |
| | |) | |
| Filed: | November 12, 2003 |) | Confirmation No. 8961 |
| | |) | |
| For: | ASSAY AND COMPOSITIONS |) | Docket No.: GP141-03.UT |
| | FOR DETECTION OF BACILLUS |) | |
| | ANTHRACIS NUCLEIC ACIDS |) | |

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR § 1.97(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant brings to the Examiner's attention the references listed on the attached form PTO/SB/08A (two copies enclosed) for consideration in connection with the examination of the above-identified application. A copy of the non-patent article is also enclosed.

This Information Disclosure Statement (IDS) is being submitted under 37 C.F.R. § 1.97(b) before the mailing date of a first Office action on the merits.

If Applicants are mistaken, and a first Office action on the merits was mailed on or before the certified date of transmission indicated below, then Applicants request that this Information Disclosure Statement be treated as a transmission under 37 C.F.R. 1.97(c). Accordingly, no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in §1.56(c)

INFORMATION DISCLOSURE STATEMENT

Serial No. 10/712,654
Filed: November 12, 2003
Atty. Docket No. GP141-03.UT


more than three months prior to the filing of this IDS. If any fee is due under 37 C.F.R. § 1.17(p), then Applicants hereby authorize that it be charged to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

Applicant respectfully requests that the Examiner indicate consideration of each cited reference by returning a copy of the attached form PTO/SB/08A with the Examiner's initials or other appropriate marks.

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being facsimile transmitted (FAX No. 571-273-8300) to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

Dated: August 12, 2005

By: 
Christine A. Gritzmacher
Reg. No. 40,627

GEN-PROBE INCORPORATED
Patent Department
10210 Genetic Center Drive
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Tel.: (858) 410-8926
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PTO/SB/088 (08-03)

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

| | |
|------------------------|--------------------|
| Application Number | 10/712,654 |
| Filing Date | November 12, 2003 |
| First Named Inventor | Sylvia A. Norman |
| Art Unit | 1645 |
| Examiner Name | Baskar, Padmavathi |
| Attorney Docket Number | GP141-03.UT |

Sheet 2 of 2

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|--------------------|-----------------------|---|----------------|
| | | VAILLANCOURT et al., "Development of a multiplex PCR assay for the specific detection of Bacillus anthracis using the Smart Cycler" 101st General Meeting of the ASM, held in Orlando, FL, May 2001 (reprinted with permission by Cepheid, at www.cepheld.com) | |
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|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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| Sheet | 1 | of | 2 |
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| Application Number | 10/712,654 |
| Filing Date | Nov. 12, 2003 |
| First Named Inventor | Sylvia A. Norman |
| Art Unit | 1645 |
| Examiner Name | Baskar, Padmavathi |
| Attorney Docket Number | GP141-03.UT |

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner
Signature

Date Considered

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Translation is attached.

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| Substitute for form 1449/PTO | | | | Application Number | 10/712,654 |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | Filing Date | November 12, 2003 |
| (Use as many sheets as necessary) | | | | First Named Inventor | Sylvia A. Norman |
| | | | | Art Unit | 1645 |
| | | | | Examiner Name | Baskar, Padmavathi |
| Sheet | 2 | of | 2 | Attorney Docket Number | GP141-03.UT |

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

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| Application Number | 10/712,654 |
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| First Named Inventor | Sylvia A. Norman |
| Art Unit | 1645 |
| Examiner Name | Baskar, Padmavathi |
| Attorney Docket Number | GP141-03.UT |

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| First Named Inventor | Sylvia A. Norman |
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| Art Unit | 1645 |
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| Examiner Name | Baskar, Padmavathi |
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| Attorney Docket Number | GP141-03.UT |
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| Sheet | 2 | of | 2 |
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NON PATENT LITERATURE DOCUMENTS

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| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

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considered. Include copy of this form with next communication to applicant.

1 Applicant's unique claim designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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